



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 122.

An Act for enlarging the Powers of Two Acts of His present Majesty, for better supplying the Town and Port of *Liverpool* with Water.

[3d June 1813.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act for better supplying the Town and Port of Liverpool with Water, from certain Springs in the Township of Bootle, in the County Palatine of Lancaster*: 39 G. 3.
And whereas another Act was passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty, for better supplying the Town and Port of Liverpool with Water, from certain Springs in the Township of Bootle, in the County Palatine of Lancaster*: 50 G. 3.
And whereas by the said first recited Act, after reciting that it being of great consequence to the Inhabitants of the said Town of *Liverpool*, that they, and the Shipping resorting thereto, should have a constant Supply of fresh Water, the several Persons therein and thereafter named were willing to undertake to procure and supply the same (upon having proper Powers and Authorities granted to them for that Purpose), to be brought and conveyed from certain Springs of Water situate, arising, and being within the Township of *Bootle* in the said County of *Lancaster*, belonging to the Right Honourable *Edward* Earl of *Derby*, and *Edward* Lord *Stanley* his Son, who had entered into certain Articles of Agreement therein mentioned and referred to, whereby the said *Edward* Earl of *Derby* and *Edward* Lord *Stanley* had agreed to grant to *William Woodman*, *Thomas Morris*, *William Jones*, and *James Jones*, a Lease or Demise of the said Springs and Premises for a Term of Years, to be perpetually renewable at and under certain Rents, Stipulations, and Agreements mentioned.

[*Loc. & Per.*]

tioned in the said Agreement, and agreed to be inserted in the said intended Lease, it was (amongst other Things) enacted, that the said *William Woodman, Thomas Morris, William Jones, and James Jones*, together with such other Person or Persons as should be nominated and appointed by all of them under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns of the said Persons therein-before named, and of such other Persons as aforesaid, were or should be united into a Company for supplying the Town of *Liverpool*, and the Shipping resorting thereto, with fresh Water, and should for that Purpose be one Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of the *Liverpool Waterworks*;" and by that Name should have perpetual Succession, and should have a Common Seal, and by that Name should sue and be sued; and that the said Company of Proprietors should have Power and Authority to purchase Lands to them and their Successors and Assigns, when the same should be necessary for the Purposes of the Act, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, and should have and exercise divers other Powers and Authorities in the said Act specified, for the Purpose of supplying the Inhabitants of the said Town, and the Shipping belonging and resorting to the said Town and to the Port of *Liverpool*, or the Liberties thereof, with Water; and it was further enacted, that in case the said Company of Proprietors should not have conducted and brought the said Stream of Water to the Town of *Liverpool*, within the Space of Three Years next after passing the said Act, then the said Act, and the several Powers and Authorities thereby granted, should be void and of no Effect: And whereas Articles of Agreement, bearing Date the Eighteenth Day of *June* One thousand seven hundred and ninety-nine, were made or expressed to be made between the said *William Woodman, Thomas Morris, William Jones, and James Jones*, of the one Part, and the several other Persons whose Names and Seals are thereunto subscribed and set, of the other Part, and which said Articles of Agreement are under the Hands and Seals of the said *William Woodman, Thomas Morris, William Jones, and James Jones*; and after reciting (amongst other Things) the said Act of Parliament, and that at a Meeting of the said *William Woodman, Thomas Morris, William Jones, James Jones, and James West*, and several other Subscribers to the said Undertaking, on or about the Twenty-third Day of *February* then last, the Proprietors then present did enter into several Resolutions and Agreements for the Conduct, Regulation, and Management of the said Concern, which, with several other Covenants, Provisions, Declarations, and Agreements for the like Purpose, are contained in the said Articles of Agreement of the Eighteenth Day of *June* One thousand seven hundred and ninety-nine; it is by the said Articles witnessed, that, in order to effectuate and carry into Execution the Intention and Agreement aforesaid, it was thereby mutually and reciprocally agreed by and between the said Parties thereto (amongst other Things) that the said Plan or Undertaking of the said Springs of Water and Premises, and all the Estate and Interest of the said several Parties therein, and all Benefit and Advantage of the said in part recited Act, should be and accordingly the same were thereby declared to be divided into the Shares therein mentioned, and which Shares are therein mentioned to belong to the said Parties thereto, in the several Portions or Numbers set opposite to their respective Names and Seals thereto subscribed and set, as therein-after more particularly described and mentioned; and that the said

Company

Company of Proprietors should stand possessed of and interested in the Springs of Water and Premises, in Trust for the Whole of the Proprietors of the said Undertaking respectively, according to their respective Shares and Interests therein, and their respective Executors, Administrators, and Assigns; and in which said Articles several Provisoes and Clauses of Forfeiture are contained: And whereas the said Company of Proprietors conducted and brought the said Stream of Water to the Town of *Liverpool*, as authorized by the said first recited Act, within the Space of Three Years after passing of the same Act: And whereas by the said recited Act, passed in the Fiftieth Year of the Reign of His present Majesty, after reciting to the Effect herein-before recited, and that it was expedient that the said Company should have Power to enter into Contracts, and to purchase Lands, and to accept and take Leases for the Purposes therein-after mentioned, it was enacted, that the said Company, their Successors and Assigns, should have such further Powers as are therein set forth: And whereas the said Company might be better enabled to supply the said Town and Port of *Liverpool* with Water, and to carry the Purposes of the said Acts into Execution, if Power were given to vary the Line of the Cut or Aqueducts by the said Acts authorized to be made, and to make a new Reservoir or Reservoirs and other Works, and if the Powers and Provisions of the said Acts were in other respects amended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Company of Proprietors of the *Liverpool* Waterworks, and their Successors, at any Time or Times, by themselves, their Deputies, Officers, Agents, Workmen, and Servants, to make a new Cut or Cuts, Aqueduct or Aqueducts, and Reservoir or Reservoirs, in, upon, over, or through any Lands or Hereditaments in the several Parishes, Townships, and Places of *Bootle* otherwise *Bootle cum Linacre, Kirkdale, Everton, West Derby, Walton on the Hill, and Liverpool*, in the County of *Lancaster*, within the Limits herein-after mentioned, (or in or through any Lands or Hereditaments in any Place or Situation elsewhere out of such Limits, first having the Consent in Writing of the Owners and Proprietors of and other Persons interested in such last-mentioned Lands and Hereditaments), and to carry or convey the Water from the present Reservoir in the Township of *Bootle*, or from any other Reservoir or Reservoirs so to be made as aforesaid; and for the several Purposes aforesaid, or any of them, it shall be lawful for the said Company of Proprietors, by themselves or their Deputies, Agents, Surveyors, Engineers, Officers, Servants, or Workmen, to enter into and continue upon the Lands and Grounds of any Body Politic or Corporate, or any Person or Persons, save and except the Land used for any Market Place or Market Places, without being deemed a Trespasser or Trespassers for so entering or continuing upon such Lands or Grounds, and to make Surveys, and to take Levels, and to dig and break up the Soil and Pavements of any of the Lands, Highways, Roads, and Footpaths within the said Limits in the several Parishes, Townships, or Places of *Bootle* otherwise *Bootle cum Linacre, Kirkdale, Everton, West Derby, Walton on the Hill, and Liverpool*, in the said County of *Lancaster*, and to make any other Works, and to erect Engines, and lay such Main Pipes, Service Pipes, and Rider Pipes, Hand Pipes, Cocks, Plugs, Feeders, Pumps, and other Conveniences, as the said Company of Proprietors shall deem

deem requisite for the Purposes of the said recited Acts, or this Act, and again from Time to Time to open, cleanse, scour, repair, and maintain such Pipes and other Conveniences, and to remove, take away, alter, vary or add to the same, as they shall so deem requisite, they the said Company of Proprietors and their Successors, and the Person and Persons to be from Time to Time employed by them, doing as little Damage as may be in the Execution of the several Powers and Authorities hereby granted, and making Compensation and Satisfaction, in the Manner herein-after mentioned, to the Owners and Proprietors of and Persons interested in the Lands, Tenements, and Hereditaments respectively, which shall be used for the Purposes of the said recited Acts or this Act, or injured in Value by the Exercise of the Powers hereby granted; and the said Company of Proprietors and their Successors, and all and every Persons and Person employed by the said Company of Proprietors, or their Successors, shall be and are hereby indemnified for what they or any of them shall do in the Execution of this or the said recited Acts; subject, nevertheless, to such Provisions and Restrictions as are herein-after contained.

Duke of
Bridgewater's
Premises not
to be injured.

II. Provided always, and be it further enacted, That nothing contained in this Act or in the recited Acts, or either of them, shall extend or be construed to extend to enable the said Company of Proprietors, or any other Person or Persons acting under them, to enter into or upon any of the Lands or Grounds, or to erect any upright Pipes against any Buildings belonging to or in the Possession of the Trustees named in the last Will and Testament of the most Noble *Francis* late Duke of *Bridgewater*, or their Successors, for the Purposes aforesaid, without the Consent in Writing of such Trustees for the Time being first had and obtained.

Houses, Gar-
dens, &c. not
to be injured.

III. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage in the making the said Cut or Aqueducts, or Reservoir or Reservoirs, or for laying the said Pipes or Aqueducts, or any other of the Purposes aforesaid, any House, Bridge, or other Building, which was erected and built on or before the passing of this Act, or any Land or Ground which on or before that Time was set apart and used as or for a Yard, Park, Paddock, Garden, planted Walk or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being; any Thing in this Act contained to the contrary notwithstanding.

Map and
Book of Re-
ference to
remain with
the Clerk of
the Peace.

IV. And whereas a Map or Plan, describing the Line and Situation of the said intended Cut or Aqueduct, and Reservoir or Reservoirs, and the Lands through or upon which the same is and are intended to be carried and made, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers, or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace of the said County for the Time being, or his Deputy; and that all Persons shall at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying such
Clerk.

Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that the said Company of Proprietors, their Successors and Assigns, in making the said Cut or Aqueduct, and Reservoir, and in laying the said Pipes for the Conduct and Conveyance of the said Water, shall not deviate more than One hundred Yards from the Line or Situation so described in the said Map or Plan, and Book of Reference as aforesaid, without the Consent and Approbation in Writing of the Person or Persons, Body Politic or Corporate, through whose Lands or Grounds any such Deviation shall be made.

V. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors to make the said new Works in, through, or upon the Lands and Hereditaments of any Person or Persons over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to have been omitted or mistated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Lancaster*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Errors in the Book of Reference may be rectified.

VI. And whereas some of the Lands through which the said Cut or Aqueduct is proposed and intended to be carried, are convenient for building, and it is probable that new Streets or Buildings may be made and erected thereupon; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to prevent such new Streets or Buildings from being formed or erected; but that the several Proprietors and Owners of Lands within the Parishes, Townships, and Places of *Bootle cum Linacre, Kirkdale, Everton, West Derby, Walton on the Hill, and Liverpool* aforesaid, shall be at Liberty to form and erect any new Streets or Buildings in the Line or Direction of the said Cut, upon giving Six Calendar Months Notice to the said Company or their Treasurer or Secretary, describing the Situation and Position of such intended new Streets and Buildings; and in every such Case the said Company of Proprietors shall, and they are hereby required, at the Request in Writing of the Person or Persons proposing to form such new Streets or Buildings, to alter and change the Course of their Main or other Pipes, so far as may be necessary or convenient for the Progress or Completion of such new Streets or Buildings; provided and upon Condition that the Person or Persons making such Request, shall procure and produce to the said Company of Proprietors, at the Time of making the same Request, the Consent in Writing of the Owner or Owners of the Lands and Grounds through which such proposed Alteration shall be made.

As to new Streets.

VII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors and their Successors to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Purchase of any Lands, Grounds, Tenements, or Hereditaments, and to purchase any Lands, Grounds, Tenements, or Hereditaments for the Purposes of this Act, or to accept and take any Lease or Leases thereof, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company may purchase Lands.

Bodies Politic, &c. empowered to sell and convey.

VIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust, Guardians and Committees for Lunatics and Idiots, Executors, Administrators, and Guardians whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised in their own Right, and to or for all and every Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands or Hereditaments which shall be necessary to be purchased for the Purposes of this Act, to sell and convey all or any such Lands, Tenements, Hereditaments, Estates, and Interests, or any Part thereof, to the said Company of Proprietors; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be made by such Persons as aforesaid, shall be good and valid in Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Persons and Person conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all such Persons so conveying as aforesaid, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission or Mistake, or Matter or Form whatsoever.

Satisfaction for Damages may be settled by a Jury.

If Parties disagree, or in case of defective Title, Damages to be settled by a Jury.

IX. And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall and they are hereby required to make or tender Satisfaction to the Owners and Occupiers of and Persons interested in any Lands, Grounds, Tenements or Hereditaments, which shall be wanted for any of the Purposes of this Act, before they shall in anywise make use of the same, and also for any other Lands, Grounds, Tenements or Hereditaments, which shall be damaged in the Execution or by virtue of any of the Powers aforesaid, for the Lands, Grounds, Tenements or Hereditaments, or Parts of the same, so to be taken, used, or damaged; and in case such Owners or other Parties shall not agree touching such Satisfaction or Damages, or the Amount of such Satisfaction or Damages, within the Space of Fourteen Days after Application shall have been made for that Purpose, and such Tender made by or on Behalf of the said Company of Proprietors, their Successors and Assigns, to the respective Owners and Occupiers thereof, and Persons interested as aforesaid, then and in every such Case such Satisfaction or Damages shall be inquired of and ascertained by a Jury at the next General Quarter Sessions of the Peace for the County of *Lancaster*, or at some Adjournment thereof to be held at *Ormskirk* or *Wigan*, as the Case may happen; and the Justices at such Sessions or such Adjournment thereof shall and are hereby authorized and required upon Application made to them for that Purpose by or on Behalf of the said Company of Proprietors, their Servants or Agents (Ten Days previous Notice of such Application being given by the said Company of Proprietors, by leaving such Notice at the Dwelling-House of such Person or Persons, or at his, her, or their then usual Place or Places of Abode, or with some Tenant or Occupier of some of the said Lands and Hereditaments.

ments intended to be valued and assessed, in case such Party cannot otherwise be found out to be conveniently served with such Notice), to charge a Jury to be impannelled and returned by the Sheriff of the said County without Fee or Reward, consisting of Twenty-four substantial and disinterested Persons qualified to serve on Juries upon the Trial of Issues at Law, and to cause Twelve of them to be sworn well and truly upon their Oaths to enquire into and ascertain the Value of the Land or Ground, or Hereditaments to be taken or used, or the Damage to be done to any private Land or Ground, or Hereditaments as aforesaid, to which Jury any of the Parties shall have their lawful Challenges when they come to be sworn; and any Justice of the Peace for the said County is hereby empowered, upon Application made to him by any of the Parties interested, by Warrant under his Hand and Seal, to call before the Justices at such Session, or the Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching the Premises; and the said Jury, upon their Oaths, (which Oaths, and also the Oaths to be taken by the Persons who shall appear to be examined and give Evidence as aforesaid, any One of the said Justices is hereby empowered and required to administer), shall enquire into and ascertain and award the Sum or Sums of Money or annual Rent to be paid for the Use hereby authorized to be made of such Lands or Grounds in or under which such Pipes for conveying Water from the said Springs shall be, and the Recompence to be made for the Damages that may or shall be sustained in or about the making, laying, or repairing the same as aforesaid, and shall also enquire into, ascertain, and award the Sum or Sums of Money to be paid for the Purchase of any Lands or Ground which may be used for any other of the Purposes of this Act, and in so doing the Jury shall take all Circumstances into Consideration which may tend to shew the Value of such Land, Ground, or Hereditaments, or the Injury the Owner thereof may sustain by the Exercise of any of the Powers in this Act contained, and the said Justices shall thereupon give Judgment according to the Verdict of such Jury; which Verdict of the said Jury, and Judgment thereupon delivered and pronounced by the said Justices, shall be binding and conclusive, to all Intents and Purposes whatsoever, upon the said Company of Proprietors, their Executors, Administrators, or Assigns, and upon all and every Person and Persons, Bodies Politic and Corporate, and claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Lands, Grounds, Hereditaments, and Premises, or otherwise interested therein, either in Possession, Reversion, Remainder, or Expectancy, as well against the King's most Excellent Majesty, His Heirs and Successors, as against Infants and Issue unborn, Lunatics, Idiots, and Femés Covert, and Persons under any other legal Incapacity or Disability, and all Trustees and Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the aforesaid Verdicts and Judgments, and other Proceedings of the said Courts and Juries, so to be made, given, and pronounced as aforesaid, shall be entered and kept amongst the Records of the Quarter Sessions of the said County, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said County, shall be deemed and taken as good Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse thereto, and may take Copies thereof, or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

Verdict of
the Jury
binding.

X. And

How the Expences of the Jury and Witnesses are to be borne.

X. And be it further enacted, That in all Cases wherein a Jury shall be summoned, in pursuance of the Provisions of this Act, and a Verdict shall be given for Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Waters, Hereditaments, or Property of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Premises, than had been previously offered by or on behalf of the said Company of Proprietors, before the summoning of the said Jury, or where any Verdict shall be found for any Damages, where the Dispute shall be for Damages only, and where no Compensation shall have been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors, or where, by reason of any Impediment or Disability as aforesaid, there shall not be found any Person or Persons who may be legally capacitated to enter into Contract with and make Conveyances to, or receive Compensations from the said Company of Proprietors as hereinbefore mentioned, then and in all such Cases the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Court of Session, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Amount as shall have been so previously offered by or on the Behalf of the said Company of Proprietors, or for any lesser Sum, or in case no Damages shall be given by the Verdict, when the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with or make Conveyances to, or receive Compensation from the said Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any other Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Court of Session, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, being so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged: Provided always, that if any Person or Persons by reason of Absence shall have been prevented from treating with the said Trustees, the Costs of ascertaining such Recompence or Compensation shall be borne and paid by the said Trustees out of the Monies to arise by virtue of this Act.

On Payment of Money Premises to vest in the Company.

XI. And be it further enacted, That immediately upon Payment by the said Company of Proprietors, their Successors, Executors, Administrators or Assigns, of the respective Sums of Money which shall be agreed upon or ascertained by a Jury as the Value of any Land or Ground to be taken or made use of as aforesaid, to the respective Persons entitled thereto or their Agents, or on depositing the same in the Bank of *England* in Manner by this Act directed, as the Case may be, and Entry of such Verdicts, Judgments, Orders and Proceedings of the said Justices and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand,

mand, both at Law and in Equity, of the Person or Persons to whom or for whose Use such Money shall be paid, of, in, to and out of the said Lands, Hereditaments and Premises, shall become and be absolutely vested in the said Company of Proprietors and their Successors, Executors, Administrators and Assigns for ever, free from all Right, Interest or Claim of any Person whomsoever; and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having or claiming or pretending to have or claim any Estate or Interest whatsoever in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Claim and Demand of the Person or Persons to whose Use such Payment shall be made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail in Possession, Reversion or Remainder, and the Issue or Issues of such Person or Persons and every Person claiming under them, as effectually as a Fine or Recovery, or either of them, would do if levied or suffered by the proper Person or Persons in due Form of Law, and shall also extend to and be deemed and construed to extend to bar the Right, Title, Interest, Use, Claim and Demand whatsoever in Possession, Reversion, Remainder or Expectancy of any other Person or Persons, whomsoever, in, to or out of such Lands and Hereditaments and every Part thereof; and the said Company of Proprietors and their Successors, Executors, Administrators and Assigns, and those claiming from, by, or under them, shall be quieted in the Possession thereof, any Law, Statute, Usage, Matter or Thing whatsoever to the contrary notwithstanding.

XII. And be it further enacted and declared, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged, the Person or Persons to whom the same shall be so awarded for the Purchase of the said Lands and Hereditaments, or for the Purchase of any Estate or Interest therein, shall make and execute or procure to be made and executed, good, valid and legal Conveyances, Assignments and Assurances in the Law to the said Company of Proprietors and their Successors, or to such Person or Persons as the said Company of Proprietors shall order, direct or appoint, of the said Lands or Hereditaments, or of such Estate or Interest for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties to execute such Conveyances, Assignments and Assurances, and shall do all Acts, Matters and Things necessary and requisite to make a good, clear and perfect Title to the said Company of Proprietors, or the Person or Persons so by them in that Behalf to be appointed as aforesaid; and such Conveyances, Assignments and Assurances, shall contain all such reasonable and useful Covenants on the Part of the said Company of Proprietors, or of the Person or Persons so by them in this Behalf to be appointed as aforesaid, as shall be reasonably required.

Lands, &c.
to be con-
veyed to the
Company.

XIII. And be it further enacted, That all Bargains and Sales whatsoever to be made and acknowledged by any Person or Persons whomsoever, and which shall be enrolled in the said Court of Quarter Session for the said County, or in any of His Majesty's Courts of Record at *Westminster*, of any such Lands and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, shall have the same Force, Effect and Operation in

Bargains and
Sales enrolled
under this
Act, to have
the Effect of
Fines and
Recoveries.

[*Loc. & Per.*]

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Law,

Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever, would have if levied or suffered by the Bargainor or Bargainors or any Person or Persons seized of any Estate in the Premises, to the Use of or in Trust for such Bargainor or Bargainors in any legal Manner or Form whatsoever.

Company
may sell
Lands not
wanted.

XIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal, absolutely to grant and convey such Part or Parts of the Lands or Hereditaments which have been already purchased by or shall hereafter be purchased by the said Company of Proprietors, and which shall not be wanted for the Purposes aforesaid; and that all such Conveyances from the said Company of Proprietors under their Common Seal shall be valid and effectual, any Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Premises, or any Part or Parcel thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Premises shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication or Non-application of such Purchase Money, or any Part thereof; and that all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors, as the Consideration of any such Sale as aforesaid, shall be paid, applied, and disposed of, in defraying the Costs, Charges, and Expences of obtaining and passing this Act, and making the new Works, and Alterations or Variations hereby authorized to be made, and in carrying this Act into Execution: Provided always, that it shall not be lawful for the said Company, at any Time hereafter, to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by the said recited Acts or this Act, of supplying with Water the Parishes or Places mentioned in the said recited Acts or in this Act, to any Person or Persons whomsoever, Body or Bodies Politic or Corporate whatsoever.

Declaring
that this
Company
shall not sell
any of their
Rights.

First Offer to
whom to be
made.

XV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the said County, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed

agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Company of Proprietors, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Ten Days Notice thereof to be given by the said Company of Proprietors, to such Owner or Owners, or to be left at his, her, or their respective Place or Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales which shall be so made, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Justices may determine Differences.

XVI. And be it further enacted, That all Sums of Money which shall be agreed or awarded to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of any Lunatics, Idiots, Femes Covert, or other *Cestuique* Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, for the Purchase or Exchange of, or the Damage to be done in any Lands, Tenements, or Hereditaments, by virtue of the Powers of this or the said recited Acts, shall be paid and applied in Manner following; (that is to say), in case the same shall amount to or exceed the Sum of Two hundred Pounds, such Money shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of the *Liverpool* Waterworks, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, or for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the said

Application of Purchase Money or Compenfations due to Corporate Bodies, &c. when amounting to 200l.

faid High Court of Chancery, upon Application thereto, be invested by the faid Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until such Bank Annuities shall be ordered by the faid Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the faid Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the faid Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the faid Lands, Tenements, and Hereditaments, so to be purchased, in case such Purchase and Settlement were made.

Application where less than 200l. and not less than 20l.

XVII. Provided always, and be it further enacted, That in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the faid Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the faid Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery.

Where less than 20l.

XVIII. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, in respect whereof the same shall be paid, in such Manner as the faid Company shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the faid Company shall direct the same to be paid, shall be sufficient Discharges for the same.

In case of not making out Titles, &c.

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the faid Company, or in case such

such Person or Persons to whom such Sum or Sums of Money so awarded as aforesaid cannot be found, or if the Person or Persons so entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said High Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the said Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Uses the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Money to be paid into the Bank.

XX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, or for the Purchase of any Lands, Tenements, or Hereditaments, of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of disputed Titles, &c.

XXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments,

Court may order reasonable Expenses of Purchases to be paid by the Company.

[Loc. & Per.]

24 X

to

to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with all the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, and which said Company of Proprietors shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

When Pipes, &c. are out of Repair, Company may enter Land to repair them, the Ground broken up for laying such Pipes being filled again as soon as possible.

XXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any Time or Times hereafter, when they shall think fit, by themselves, their Officers, Assistants, Servants, Workmen, or other Persons to be employed by the said Company, to enter and continue upon any Streets, Places, Lands, Grounds, or Hereditaments as aforesaid, and to break the Ground and Soil, and Pavement, and to do any other Act, Matter, or Thing, requisite for the Purposes of this Act, in order to repair, cleanse, alter, remove, take away or replace any Main or Mains, or Pipe or Pipes, or other Works to be made in pursuance of this Act, doing as little Damage as may be; and provided, that when and as often as any Ground or Pavement shall or may be opened or broken up, either by the said Company of Proprietors, or by any other Person or Persons by their Authority, for laying, taking up, or repairing any Aqueduct or Main Pipe, or Communication Pipe, by virtue of this Act or the said recited Act, then and in every such Case the said Company of Proprietors, or other Persons respectively, shall fill in or cause to be filled in such Ground, and well and substantially repair and make good such Part of the Flags or Pavement as shall have been removed by them, so that the same shall be placed in as good State of Repair as the same were in before such Flags or Pavements were broken up, opened, or removed as aforesaid, and so that such Flags or Pavement shall not, within Six Months after such Repairs shall have been completed, sink below the Level of the remaining Flags or Pavement in the same Street or Place; and also that the said Company of Proprietors shall cause the Rubbish occasioned by such opening or breaking up as aforesaid, to be carried away as soon as conveniently may be, and in the mean time cause such Ground to be fenced or guarded, so that the same may not be dangerous to Passengers or Cattle; and if the said Pavement or Flags shall not be well and substantially repaired and made good as aforesaid, it shall be lawful for the Surveyors of the Highways within the Parish or Township within which the Street or Streets or Place in question may be situate, to repair the same, and to recover the Charges and Expences thereof, with Costs, against the said Company in any Action or Actions of Debt or on the Case, to be brought for that Purpose by the Surveyor or Surveyors of the Highways of the Township or Parish of the Place in question, as for so much Money paid, laid out, and expended to and for the Use of the said Company; and if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company of Proprietors, or in any such other Person or Persons, in taking up or repairing of any of the said Aqueducts, or Main Pipes, or of any of the Communication Pipes, or in filling in such Ground, or removing the Rubbish thereby occasioned; or in case they shall not substantially repair the Street or Place wherein the Pavement or Flags shall have been removed by virtue of this Act or the said recited Acts, then and in every such Case the said Company of Proprietors,

prietors, or such other Person or Persons so offending, shall respectively forfeit and pay any Sum not exceeding Five Pounds for each and every Day, and for each and every Street or Place during the Continuance of such wilful Neglect or unreasonable Delay, or Want of substantial Reparation as aforesaid, to be recovered in such Manner as is directed by the said recited Act of the Thirty-ninth of *George* the Third with respect to Penalties not exceeding Five Pounds; but such Penalty or Penalties to be applied and to be applicable only to and for the Use and Benefit of the Parish or Township of the particular Place in question.

XXIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to supply with Water the Owners and Tenants, or Inhabitants of any House or Houses, or other Buildings erected or to be hereafter erected within the said several Parishes, Townships, or Places of *Bootle*, otherwise *Bootle cum Linacre, Kirkdale, Everton, and West Derby*, or either of them, upon the like Terms and Conditions, and under the like Regulations and Restrictions, as they are authorized by the said recited Acts or by this Act to supply the Town and Shipping of *Liverpool* with Water; and that the said Company of Proprietors shall be entitled to receive from the Owners, Tenants, or Inhabitants of such House or Houses or other Buildings, from Time to Time, such annual or other Sum or Sums of Money as shall be agreed upon between them and the said Company of Proprietors; and the said Company of Proprietors shall have such and the same Powers of enforcing and compelling Payment thereof, and of stopping the Water in case of Default, as are authorized by the said recited Acts or by this Act with respect to the Water conveyed or to be conveyed to Houses within the said Town of *Liverpool*.

The Company may supply the Inhabitants of *Bootle, Kirkdale, &c.* with Water.

XXIV. Provided also, and be it further enacted, That if any Person or Persons shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Aqueduct, or Pipe, which shall be made or laid by virtue of the said recited Acts or this Act, without the previous Consent of the said Company of Proprietors; or if any Person or Persons, supplied with Water by virtue of the said recited Acts or of this Act, shall, without previous Consent of the said Company, supply any other Person with any Part of such Water; or if any Person or Persons shall wilfully let off, or cause or suffer to run to Waste any Water from any such Aqueduct or Pipe, then and in every such Case every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds; and it shall and may be lawful to and for the said Company of Proprietors, if they shall think fit, to take or cut off the Water so supplied by the said Company, from the House, Building, or other Premises, of the Person or Persons so offending.

Persons supplied shall not supply others; and for punishing Persons wilfully letting off:

XXV. Provided nevertheless, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to subject any Person or Persons whomsoever, supplied with Water by virtue of the said recited Act or of this Act, to any Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks, belonging to any Person or Persons supplied with Water by the said Company of Proprietors, shall

Except in certain Cases.

or

or may happen to be out of Repair, such Pipe or Pipes, Cock or Cocks, nevertheless being repaired as soon as may be after any Damage shall happen thereto.

Public Sewers
and Drains
not to be
altered.

XXVI. Provided always, and be it further enacted, That the Course and Direction of the present and future Public Sewers and Drains shall not be altered or changed in their Direction, nor shall they be interfered with without Six Days Notice in Writing to the Surveyor of the Corporation for the Time being, or left at his Dwelling-house; and that the said Company of Proprietors shall replace and make good such Sewers and Drains as soon as conveniently may be: Provided further, that no Alteration shall be made in the present or future Tunnels used for cleansing any of the present or future Public Docks; nor shall they in any wise be interfered with without Six Days previous Notice in Writing to be left at the Dock Office, and that such Tunnels shall be replaced and made good by the said Company of Proprietors as soon as conveniently may be.

Power for the
Company to
erect upright
Pipes.

XXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make and erect proper and convenient Pipes standing upright in the Likeness of Pumps, to be erected and set up of any reasonable Height against any adjoining Building, (not being a Dwelling-house), Wall or Fence of the Quays and Wharfs in the said Township of *Liverpool*, save as herein-before mentioned, in such Situation as such Company shall deem convenient for the more convenient Supply of the Shipping resorting to the said Town and Port of *Liverpool* with Water; and also in like Manner and for the like Purpose (the Consent in Writing of the Trustees of the said Docks having been previously obtained) from Time to Time to make and erect proper and convenient Pipes standing upright in the Likeness of Pumps on such Parts of the said Quays and Wharfs as such Dock Trustees shall from Time to Time limit and appoint; and that the said Company shall from Time to Time at their own Expence remove and take away such upright Pumps within Forty Days after Notice to their Engineer for that Purpose by the Treasurer of the said Docks from Time to Time to be given; and that in Default of their so doing that then the Trustees of the said Dock shall have power to remove the same at the Expence of the said Company of Proprietors, such Expence to be recoverable by Action in the Name of the said Corporation of *Liverpool* against the said Company of Proprietors.

The Rights
of the Corpo-
ration under
26 G. 3.
saved.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to deprive or hinder the Common Council for the Time being of the said Town from using and exercising all and every the Powers and Authorities given to them by an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for opening, making, widening and altering certain Streets, Passages and Places within the Town of Liverpool in the County Palatine of Lancaster; for supplying the said Town with fresh and wholesome Water; for removing and preventing Nuisances and Annoyances therein; for appointing additional Market Places; and for extending so much of the Powers of an Act of the Second Year of His present Majesty as relates to Hackney Coachmen, Chairmen, Carters, and Porters, to a certain Distance beyond the Liberties of the said Town; of altering the Levels of all or any of the Streets and Public Highways*

Highways and Passages in the said Town; and also of altering the Course and Disposition of all and every the present Common Sewers within the said Town, and of making New and other Common Sewers in and through such of the Streets and Public Highways and Passages of the said Town, as they shall judge proper and expedient, with the like Powers of altering their Course and Direction, nor from having, using, and exercising all and every other the Rights, Powers, and Authorities by the same Act in such Common Council for the Time being vested, as fully to all Intents and Purposes as if the present Act had not been passed; nor shall hinder or prevent the Common Council for the Time being of the same Town, from having, using, and exercising all and every the Rights, Powers, and Authorities in them already vested by any other Act or Acts of Parliament whatsoever, as fully to all Intents and Purposes as if this Act had not been passed; any Thing herein contained to the contrary thereof in any wise notwithstanding.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to deprive, prevent, or hinder the Trustees of the said Docks at *Liverpool* aforesaid, from using, exercising, and enjoying all and every the Rights, Powers, and Authorities in them already vested by virtue of any other Act or Acts of Parliament whatsoever, as fully to all Intents and Purposes as if the present Act had not been passed; any Thing herein contained to the contrary thereof notwithstanding.

Reserving
Rights of the
Trustees of
the Docks.

XXX. Provided always, and it is hereby enacted, That if the said Company of Proprietors shall be desirous of entering into any of the present or future inclosed Docks, Quays, or Wharfs, for the Purposes of this Act or of the said recited Acts, the said Company of Proprietors, or some Person or Persons on their Behalf, shall give Thirty Days Notice in Writing to the Trustees of the Dock for the Time being, or their Secretary or Surveyor, or left at the Dock Office, describing the Line or Lines, Place or Places in which they propose to place their Pipes, Pumps, or other Works; and if the said Trustees shall require the Line or Lines, Place or Places thereof to be varied, then the said Company of Proprietors, their Successors or Assigns, shall cause such Pipes, Pumps, or other Conveniences, to be erected and placed in such other Place or Places suitable for the Purpose, as the said Trustees for the Time being, or their Agent, shall, previous to the Expiration of such Thirty Days, describe and point out.

Notice to be
given of en-
tering in-
closed Docks.

XXXI. Provided always, and be it further enacted, That if the said Company of Proprietors shall erect or cause to be erected within the said Township of *Liverpool*, after the passing of this Act, any Engine or Engines for the Purposes of this Act, or of the said recited Acts, and which shall be worked by Means of Steam or Fire, it shall and may be lawful for the Surveyor to the Corporation of *Liverpool* for the Time being, and his Agents or Servants, (on giving One Month's Notice in Writing to the Agent of the said Company of Proprietors, or by leaving such Notice at their Counting-house, to leave off or desist from working the said Engine or Engines by Means of Fire or Steam, and the said Company shall notwithstanding continue to work such Engine or Engines after the Expiration

Corporation
empowered
to remove
Engines if
worked by
Steam, &c.

tion of such Notice by the Means aforesaid) to pull down and remove the said Engine or Engines so erected and worked as aforesaid.

Penalties and Recovery.

XXXII. And be it further enacted, That all and every the Penalties and Forfeitures enacted by the said first recited Act, shall be applicable to the Townships of *Bootle* otherwise *Bootle cum Linacre*, *Kirkdale*, *Everton*, and *West Derby*, and the Inhabitants thereof respectively, in like Manner as by the said first recited Act the same apply to the Townships of *Liverpool* and the Inhabitants thereof; and that the Penalties and Forfeitures enacted or imposed by this Act shall be recovered and applied in the Manner directed by the said first recited Act, with respect to the Penalties and Forfeitures thereby enacted and imposed; save and except that such Penalties and Forfeitures as shall be recovered against the said Company of Proprietors, their Agents or Servants, shall be applied to the Relief of the Rates of the Parish, Township, or Place within which such Penalties or Forfeitures shall have been incurred.

Extending the former Act to this Act.

XXXIII. And be it further enacted, That the said recited Acts, and each and every Clause, Article, Matter, and Thing whatsoever, therein respectively contained (except so far as the same are hereby varied), shall remain, continue, and be in full force and virtue, and shall be and are hereby extended to this Act, and shall be deemed and taken to be Part of this Act, as if the same had been herein inserted and re-enacted.

Expences of the Act.

XXXIV. And be it further enacted, That the Costs, Charges, and Expences attending the obtaining and passing of this Act, shall be paid and defrayed by the said Company of Proprietors out of the Monies in their Hands, or in the Hands of their Treasurer, or out of the first Monies to be received by the said Company, or their Treasurer or Receiver, in preference to all other Payments or Disbursements whatsoever; and that all Monies advanced or to be advanced for such Purposes, shall be repaid with lawful Interest to the Person or Persons advancing the same.

Public Act.

XXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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